

## REMARKS

Claims 67-99 remain in this application. Claims 28-66 have been cancelled without prejudice. Claims 67-99 have been added. The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks, which discuss the former rejections in view of the newly submitted claims.

### 35 U.S.C. §103(a) Rejection – Perry in view of Fan

The Examiner has rejected claims 28-38, 40-51, 55, 58-61 and 63-66 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,483,518 issued to Perry et al. (hereinafter referred to as “Perry”) in view of U.S. Patent No. 6,704,693 issued to Fan et al. (hereinafter “Fan”). These claims have been cancelled herein, and therefore the rejection is believed to be moot. The new claims are believed to be allowable over Perry and Fan for at least one or more of the reasons that:

(A) Perry and Fan should not be combined; and

(B) any combination of Perry and Fan, which does not even seem appropriate, still does not teach or reasonably suggest all of the limitations of the claims.

(A) Firstly, Perry and Fan should not be combined for at least the reason that Perry and Fan are from non-analogous arts. Perry pertains to the field of color reproduction, and more particularly to accurately converting and rendering colors in output devices having only a limited range of colors (see e.g., Field of the Invention). In contrast, Fan pertains to the field of structural analysis of components, and determining the deformation and stress distribution within an object, such as an injection molded part, that is subject to loads (see e.g., Field of the Invention). These are non-analogous arts. As discussed in the MPEP 2141.01(a), to rely on a reference under 35 U.S.C. 103, it must

be analogous prior art. *"In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of the applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the invention was concerned."* *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992). Structural analysis of injection molded components would not logically have commended itself to an inventors attention when he/she was considering the problem of converting and rendering colors on output devices having a limited range of colors. Further an inventor could not possibly be aware of every teaching in every art. *In re Wood*, 599 F.2d 1032, 202 USPQ 171, 174 (C.C.P.A. 1979). Accordingly, Perry and Fan should not be combined.

(B) Secondly, any combination of Perry and Fan, which does not even seem appropriate, still does not teach or reasonably suggest all of the limitations of the claims. To illustrate, let's consider **claim 67**.

**Claim 67** recites a machine-readable data structure comprising, *"appearance data that indicates an appearance for each of a plurality of nodes associated with a portion of a surface of an object; displacement data that indicates displacement distances for the nodes from corresponding reference nodes; and local coordinate system data that indicates a local coordinate system for the plurality of nodes"*.

Any combination of Perry and Fan does not teach or suggest either:

- (1) displacement distances for the nodes from **corresponding reference nodes (i.e., more than one reference node)**; or
- (2) a local coordinate system for the plurality of nodes.

(1) Firstly, Perry does not teach or suggest displacement distances for the nodes from **corresponding reference nodes (i.e., more than one reference node)**. Perry discusses in part a “*signed distance field associated with the object 101 represents the distance 106 from any point in space 107 to the closest point 108 on the surface of the object 101*”. As understood by Applicants, the point in space 107 appears to be a viewing location or location of a ray. In any event, it is not a reference node corresponding to a displaced node. Still further, all the distances are taken from a single point in space 107, rather than from corresponding reference nodes (nodes is plural and means more than one), as claimed in claim 67. These limitations are also missing in Fan. Accordingly, for at least this reason, claim 67 and its dependent claims are believed to be allowable over any combination of Perry and Fan, which combination does not even seem appropriate in the first place.

(2) Secondly, as previously discussed, Perry does not teach or suggest local coordinate system data that indicates a local coordinate system for the plurality of nodes. The Examiner apparently concedes to this by stating in the present Office Action “Perry does not disclose where the coordinate system data is local to the nodes”.

The Examiner indicated that Fan discloses local coordinate system data that indicates a local coordinate system for the nodes. However, Fan is from a non-analogous art and should not be combined with Perry. In addition, Fan discusses a local element coordinate system for a node *n*, which appears to be a vertice of a triangle. The node *n* does not have associated appearance and displacement data, as do the claimed nodes. There is no teaching or suggestion in either Perry or Fan to provide a local coordinate system for nodes having the claimed appearance and displacement data. Accordingly, for at least this reason, claim 67 and its dependent claims are believed to be allowable over any combination of Perry and Fan, which combination does not even seem appropriate in the first place.

**Independent claims 77, 85, 87, and 94**, and their respective dependent claims, are each believed to be allowable for one or more reasons similar to those discussed above.

**35 U.S.C. §103(a) Rejection – Perry in view of Fan and Cox et al.**

The Examiner has rejected claim 39 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,483,518 issued to Perry in view of Fan and U.S. Patent No. 5,751,931 issued to Cox et al. Claim 39 has been cancelled, and therefore the rejection is believed to be moot. Regarding the new claims, Applicants respectfully submit that one or more of the limitations not taught or suggested in Perry and Fan, as discussed above, are also not taught or suggested in Cox et al.

**35 U.S.C. §103(a) Rejection - Perry in view of Fan and Johns**

The Examiner has rejected claim 52 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,483,518 issued to Perry in view of Fan and further in view of U.S. Patent No. 6,366,289 issued to Johns. Claim 52 has been cancelled, and therefore the rejection is believed to be moot. Regarding the new claims, Applicants respectfully submit that one or more of the limitations not taught or suggested in Perry and Fan, as discussed above, are also not taught or suggested in Johns.

**35 U.S.C. §103(a) Rejection - Perry in view of Fan and Mori et al.**

The Examiner has rejected claim 53, 54, 56, 57 and 62 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,483,518 issued to Perry in view of Fan and further in view of U.S. Patent No. 6,704,018 issued to Mori et al. Claims 53, 54, 56, 57 and 62 have been cancelled, and therefore the rejection is believed to be moot. Regarding the new claims, Applicants respectfully submit that one or more of the

limitations not taught or suggested in Perry and Fan, as discussed above, are also not taught or suggested in Mori et al.

### **Conclusion**

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

### **Request For Telephone Interview**

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request For An Extension Of Time**

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

### **Charge Our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Date: 4-11-05

Respectfully submitted,  
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